NOS. 83-498
83-573

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

MARTIN DANZIGER, ACTING CHAIRMAN; DONALD THOMAS, COMMISSIONER; MADELINE McWHINNEY, COMMISSIONER; CARL ZEITZ, COMMISSIONER, CONSTITUTING THE CASINO CONTROL COMMISSION, STATE OF NEW JERSEY; G. MICHAEL BROWN, DIRECTOR DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF GAMING ENFORCEMENT, STATE OF NEW JERSEY; DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF GAMING ENFORCEMENT, STATE OF NEW JERSEY and THOMAS KEAN, GOVERNOR, STATE OF NEW JERSEY,

Appellants,

v.

HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION LOCAL 54 and FRANK GERACE, PRESIDENT HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION LOCAL 54,

Appellees.

On Appeal from the United States Court of Appeals for the Third Circuit

JOINT SUPPLEMENT TO JURISDICTIONAL STATEMENTS

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Dated: October, 1983

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JOINT SUPPLEMENT TO JURISDICTIONAL STATEMENTS

This joint supplement to the jurisdictional statements previously filed in this matter is being submitted in response to a request from the Office of the Clerk of this Court. Specifically, the clerk's office requested an explanation of the fact that the caption on the jurisdictional statements and joint appendix thereto lists as appellants several public officials who were in office at the time this suit was filed but who are no longer in office.

When this suit was initially filed, the named defendants were: the New Jersey Casino Control Commission; the four sitting members of the New Jersey Casino Control Commission, to wit, Martin Danziger, Donald Thomas, Madeline McWhinney and Carl Zeitz; the New Jersey Department of Law and Public Safety, Division of Gaming Enforcement; the Director of the New Jersey Department of Law and Public Safety, Division of Gaming Enforcement, G. Michael Brown; and the Governor of the State of New Jersey, Brendan Byrne. At the time of the issuance of the opinion in the District Court, the caption was amended by the Court to eliminate Brendan Byrne as a defendant and substitute Thomas Kean, who was then and remains today the Governor of the State of New Jersey.

The caption as it appeared on the District Court opinion was utilized throughout the proceedings in the Third Circuit Court of Appeals and on the opinion issued by the Court of Appeals. This same caption was utililized in filing the jurisdictional statements and joint appendix thereto in this Court.[1] Although the composition of the New Jersey Casino Control Commission has changed, and although G. Michael Brown has been replaced as the Director of the

[1] On their jurisdictional statement, counsel for appellants Brown; Department of Law and Public Safety, Division of Gaming Enforcement; and Kean only captioned the parties which they represent.

New Jersey Department of Law and Public Safety, Division of Gaming Enforcement, appellants did not presume to alter the caption when they filed their jurisdictional statements and appendix with this Court. As explained in the jurisdictional statements, plaintiffs' complaint includes a claim for money damages, as to which there is a motion to dismiss on the ground of sovereign immunity pending in the District Court. Presumably, plaintiffs-appellees seek money damages against the named defendants, and, unless and until the damage claim is dismissed, defendants-appellants are uncertain of their authority to unilaterally alter the caption.

For the information of the Court, and in the event that the Court determines to amend the caption, the present members of the New Jersey Casino Control Commission are: Walter N. Read, Chairman, Carl Zeitz, Vice-Chairman, Don M. Thomas,[2] Commissioner, Joel R. Jacobson, Commissioner, and E. Kenneth Burdge, Commissioner; and the present Director of the New Jersey Department of Law and Public Safety, Division of Gaming Enforcement, is Thomas R. O'Brien.

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[2] Commissioner Don Thomas was improperly captioned as Donald Thomas by the District Court and the Court of Appeals.

Respectfully submitted,

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Attorneys for Appellants, Martin Danziger, Acting Chairman, Donald Thomas, Commissionr; Madeline McWhinney, Commissioner; Carl Zeitz, Commissioner, Constituting the Casino Control Commission, State of New Jersey.

* *Counsel of Record*

Dated: October 25, 1983

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